

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 02-CR-75

USCA 04-1665

-vs-

ERIC R. BESTE,

Defendant.

ORDER

The Court has reviewed the record, briefs, and arguments relative to the issue of whether or not, in light of *United States v. Booker*, 543 U.S. 220, 125 S.Ct. 738 (2005), and its progeny, the defendant Eric R. Beste (“Beste”) should be re-sentenced.

The Court concludes that Beste should be re-sentenced.

Dated at Milwaukee, Wisconsin, this 22nd day of June, 2006.

SO ORDERED,

s/ Rudolph T. Randa

HON. RUDOLPH T. RANDA

Chief Judge